

900 KAR 6:110. Certificate of Need notification requirements.

RELATES TO: KRS 216B.061, 216B.065, 216B.066, 216B.990

STATUTORY AUTHORITY: KRS 194A.030(1)(c)4., 216B.040(2)(a)1.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216B.040(2)(a)1 requires the Cabinet for Health and Family Services to administer Kentucky's Certificate of Need Program and to promulgate administrative regulations as necessary for the program. This administrative regulation establishes the requirements for notification by facilities of the addition or establishment of a health service, the reduction or termination of a health service or bed capacity, the redistribution of beds by licensure category, and the intent to acquire a health facility for health service.

Section 1. Definitions. (1) "Cabinet" is defined by KRS 216B.015(6).

(2) "Days" means calendar days, unless otherwise specified.

Section 2. Notification of the Addition of a Health Service or Equipment. (1) A health facility shall submit a completed CON - Form 10A, incorporated by reference in 900 KAR 6:055, to notify the cabinet that a service or equipment has been added.

(2) The notification shall be submitted within ten (10) days of the date the facility:

(a) Makes an addition to an existing health service (including adding respite beds in an intermediate care facility for individuals with an intellectual disability) for which there is review criteria in the State Health Plan, but for which a certificate of need is not required; or

(b) Adds equipment for which there is a review criteria in the State Health Plan, but for which a certificate of need is not required.

Section 3. Notification of the Reduction or Termination of a Health Service or Bed Capacity. A health facility shall submit a completed CON - Form 10B, incorporated by reference in 900 KAR 6:055, to notify the cabinet of the reduction or termination of a health service, or reduction of bed capacity within thirty (30) days prior to the reduction or termination.

Section 4. Notification of Relocation of Acute Care Beds. If a certificate of need is not otherwise required, a hospital shall submit a completed CON - Form 10C, incorporated by reference in 900 KAR 6:055, to notify the cabinet that the facility has relocated acute care beds to another hospital under common ownership in the same area development district, including an outpatient health care center operated by the hospital and licensed pursuant to 902 KAR 20:074, within ten (10) days of the relocation.

Section 5. Notification of Redistribution of Beds by Licensure Category. A hospital shall submit a completed CON - Form 10C, incorporated by reference in 900 KAR 6:055, to notify the cabinet that the facility has redistributed beds among its existing licensure categories, including an outpatient health care center operated by the hospital and licensed pursuant to 902 KAR 20:074, within ten (10) days of the redistribution.

Section 6. Notification of the Intent to Acquire a Health Facility or Health Service. A health facility shall submit a completed CON - Form 9, Notice of Intent to Acquire a Health Facility or Health Service, incorporated by reference in 900 KAR 6:055, to notify the cabinet of the acquisition of a health facility or health service at least thirty (30) days prior to the acquisition. (36 Ky.R. 254; 817; eff. 10-21-2009; TAm eff. 12-16-2013; Crt eff. 5-7-2019; 47 Ky.R. 1702, 2419, 2599; eff. 6-16-2021.)